IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

CIVIL MISC. APPEAL No. 1583 of 2004

NATIONAL INSURANCE CO LTD.
V/S
MST.GOPI BAI & ORS

Mr. SANJEEV JOHARI, for the appellant / petitioner

Mr. MANISH PITALIYA (CAVEATOR, for the respondent

Date of Order : 29.1.2005

HON'BLE SHRI N P GUPTA,J.

ORDER

Learned counsel for the appellant pointed out that the appellant was granted permission under Section 170 of the Motor Vehicle Act by the learned trial Court, and therefore, it was contended that the compensation awarded is excessive, as there is no reliable evidence on record to show that the deceased was earning Rs.6000/- per month, and for assessing the dependency at Rs.3000/- per month. Learned counsel at the direction of the Court read the statements of A.W.1 and 2, being the claimant (father of the deceased), and a person, who is employed in identical nature of work at Mumbai itself, and I find from their evidence that both of them have deposed that the deceased was getting the salary of Rs.6000/- per month, apart from lodging and boarding, and the claimant, A.W.1 has deposed that he is deposing it on the basis that the deceased used to hand over the salary to him. Likewise, A.W.2, Narayan Lal has also deposed that the deceased was getting a salary of Rs.6000/- per month, and was sending money to the family with him.

In my view, nothing has been brought on record, whether by cross-examination, or otherwise, which may persuade the Court not to believe the evidence of the two witnesses. That being the position, the assessment of dependency cannot be said to be excessive. So far multiplier employed is concerned, that is not contended to be excessive either.

The net result is, that I do not find any force in the appeal. The same is, therefore, dismissed summarily.

(N P GUPTA),J.

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